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1 **DIAMOND MCCARTHY LLP**

909 Fannin, Suite 1500
 Houston, Texas 77010
 Telephone (713) 333-5100
 Facsimile (713) 333-5199

Allan B. Diamond, TX State Bar No. 05801800
 Email: adiamond@diamondmccarthy.com
 Eric D. Madden, TX State Bar No. 24013079
 Email: emadden@diamondmccarthy.com

5 Special Litigation Counsel for USACM Liquidating Trust

2 **LEWIS AND ROCA LLP**

3993 Howard Hughes Parkway, Suite 600
 Las Vegas, NV 89169-5996
 Telephone (702) 949-8320
 Facsimile (702) 949-8321

Susan M. Freeman, AZ State Bar No. 004199
 Email: sfreeman@lrlaw.com
 Rob Charles, NV State Bar No. 006593
 Email: rcharles@lrlaw.com

6 Counsel for USACM Liquidating Trust

7 **UNITED STATES BANKRUPTCY COURT**
DISTRICT OF NEVADA

8 In re:
 9 USA COMMERCIAL MORTGAGE COMPANY,

10 Debtor.

Case Nos.:
 BK-S-06-10725-LBR
 BK-S-06-10726-LBR
 BK-S-06-10727-LBR
 BK-S-06-10728-LBR
 BK-S-06-10729-LBR

11 In re:
 12 USA CAPITAL REALTY ADVISORS, LLC,

13 Debtor.

JOINTLY ADMINISTERED
 Chapter 11 Cases

14 In re:
 15 USA CAPITAL DIVERSIFIED TRUST DEED FUND,
 16 LLC,

17 Debtor.

Judge Linda B. Riegle

18 In re:
 19 USA CAPITAL FIRST TRUST DEED FUND, LLC,

20 Debtor.

21 In re:
 22 USA SECURITIES, LLC,
 23 Debtor.

**USACM LIQUIDATING
 TRUST'S EX PARTE MOTION
 FOR ORDER SHORTENING
 TIME TO HEAR USACM
 LIQUIDATING TRUST'S
 MOTION TO COMPEL
 PRODUCTION OF
 DOCUMENTS BY WELLS
 FARGO**

24 Affects:
 25 All Debtors
 USA Commercial Mortgage Company
 USA Capital Realty Advisors, LLC
 USA Capital Diversified Trust Deed Fund, LLC
 USA Capital First Trust Deed Fund, LLC
 USA Securities, LLC

26 Hearing Date: OST REQUESTED
 for February 21, 2008

Hearing Time: OST REQUESTED
 for 9:30 a.m.

27 The USACM Liquidating Trust (the "Trust") hereby files this Ex Parte Motion for Order
 28 Shortening Time to Hear USACM Liquidating Trust's Motion to Compel Production of
 29 Documents By Wells Fargo and in support thereof, respectfully states as following:

1. On February 5, 2008, the Trust has filed its Motion to Compel Production of
2 Documents by Wells Fargo (the "Motion") (Docket No. 5782). The Motion is based on Wells
3 Fargo's failure to produce all documents responsive to the Rule 2004 Subpoena for examination
4 and production of documents (the "Subpoena") that the Trust served on Wells Fargo's on March
5 13, 2007.

2. Over the course of many months following the service of the Subpoena, Wells
3 Fargo asked for numerous extensions and otherwise delayed the production while promising to
4 cooperate and produce the documents. After producing only a fraction of the documents
5 requested in the Subpoena, the Bank stopped the production at all.

3. The Trust now faces the deadline of April 14, 2008 – the date the statute of
4 limitations for avoidance actions under 11 U.S.C. § 546 expires – without many key documents
5 that Wells Fargo promised but has not produced.

4. As set forth more fully in the Motion, the documents requested in the Subpoena,
5 include emails and correspondence that Wells Fargo's employees maintained with USACM and
6 its related entities, as well as documents related to wires and ACH transfers. These documents,
7 crucial to the Trust's analysis of its potential avoidance claims, and might take several weeks to
8 collect.

5. On February 21, 2008, there is an omnibus hearing setting in front of this Court at
6 9:30 a.m.

6. In light of the facts described above, The Trust seeks an order from the Court
7 shortening time to hear the Motion on February 21, 2008 at 9:30 a.m.

2. Wells Fargo will not be prejudiced by the relief requested herein because by its
3 response to the Trust's Motion is due on February 20, 2008 – a day before the hearing. Thus,

holding the hearing on February 21, 2007 will not shorten in any way the time that Wells Fargo has to respond to this Motion and brief the Court on relevant issues.

3. The Court can shorten notice pursuant to Federal Rule of Bankruptcy Procedure 9006(c)(1) and Bankruptcy Local Rule 9006(a).

Dated: February 5, 2008

DIAMOND MCCARTHY LLP

LEWIS AND ROCA LLP

By: /s/ Eric D. Madden
Allan B. Diamond, TX 05801800 (pro hac vice)
William T. Reid, IV, TX 00788817 (pro hac vice)
Eric D. Madden, TX 24013079 (pro hac vice)
909 Fannin, Suite 1500
Houston, Texas 77010
(713) 333-5100 (telephone)
(713) 333-5199 (facsimile)

*Special Litigation Counsel
for USACM Liquidating Trust*

By: /s/ Rob Charles
Susan M. Freeman, AZ 4199 (pro hac vice)
Rob Charles, NV 6593
3993 Howard Hughes Parkway, Suite 600
Las Vegas, Nevada 89169-5996
(702) 949-8320 (telephone)
(702) 949-8321 (facsimile)

Counsel for USACM Liquidating Trust